

REMARKS

In the office action the Examiner rejected claims 1-19 pursuant to 35 USC Sections 112 and 102. By the amendment, claims 1, 3, 5, 11, 14, 16, and 18 have been amended, claims 4, 6-10, 12, 13 and 15 are hereby withdrawn, and new claims 20-24 are submitted for examination. Favorable reconsideration of the claims (1-3, 5, 11, 14 and 16-24) is requested in view of the preceding amendments and the following remarks.

The Examiner rejects claims 1-19 under 25 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has carefully reviewed and amended claims to place them in compliance with 35 U.S.C. 112, and has withdrawn claims 4, 6-10, 12, 13 and 15 from consideration. Accordingly, Applicant submits that claims 1-3, 5, 11, 14 and 16-24 are now in proper form for issuance of a formal Notice of Allowance.

The Examiner further rejects claims 1-19 under 35 U.S.C. 102 as being anticipated by Richter et al., Patent No. 5,344,045. Richter et al. discloses a multi-layer container having air vents (38) in the exterior layers of the container to permit air to flow freely into and out of the container and keep the entire container from collapsing as the syrup is withdrawn. On the other hand, the invention as claimed in this application comprises in part means to inject compressed air, gas or fluid into one end of the container. In operation, unlike Richter et al., the compressed air does not flow freely into and out of the container and no pump is required. Richter neither teaches nor make obvious the injection of compressed air into one end of the container, and therefore does not anticipate the invention as claimed or described.

Furthermore, the Examiner has objected to the abstract as being too long and to the drawings for failing to show every feature of the invention specified in the claims. A


substitute abstract is enclosed with this filing; the claims have been amended to eliminate the elements previously claimed and not shown in the drawings.

In order to expedite the issuance of U.S. Letters Patent, the Examiner is respectfully requested to telephone the undersigned Attorney of Record at (304) 340-1197 in the event that further comments, questions or informalities arise with regard to the present application.

CONCLUSION

For all of the reasons advanced above, Applicant respectfully submits that the application is in a condition for allowance and that action is earnestly requested.

Respectfully submitted,


MONIKA J. HUSSELL
Registration No. 37,359

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JACKSON & KELLY PLLC
1600 Laidley Tower
Post Office Box 553
Charleston, West Virginia 25322
(304) 340-1197

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On June 14, 2002



Monika J. Hussell